

EXHIBIT 1

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JONATHAN ALTER, KAI BIRD, TAYLOR
BRANCH, RICH COHEN, EUGENE
LINDEN, DANIEL OKRENT, JULIAN
SANCTON, HAMPTON SIDES, STACY
SCHIFF, JAMES SHAPIRO, JIA
TOLENTINO, and SIMON WINCHESTER,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

OPENAI, INC., OPENAI GP, LLC, OPENAI,
LLC, OPENAI OPCO LLC, OPENAI
GLOBAL LLC, OAI CORPORATION, LLC,
OPENAI HOLDINGS, LLC, and
MICROSOFT CORPORATION,

Defendants.

Case No. 1:23-cv-10211-SHS

**PLAINTIFFS' FIRST SET OF
REQUESTS FOR PRODUCTION
OF DOCUMENTS TO OPENAI
DEFENDANTS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiffs requests that Defendants OpenAI, Inc., OpenAI GP, LLC, OpenAI, LLC, OpenAI OPCO LLC, OpenAI Global LLC, OAI Corporation, LLC, OpenAI Holdings, LLC (collectively, “OpenAI”) produce the documents described below within thirty (30) days of service at the offices of Susman Godfrey L.L.P., 1901 Avenue of the Americas, 32nd Floor, New York, New York 10019. Plaintiffs are amenable to an electronic production, subject to agreement by the parties.

DEFINITIONS

1. “ACTION” means the above captioned litigation, *Jonathan Atler, et al., v. Open AI Inc. et al.*, No. 1:23-cv-10211-SHS (S.D.N.Y.) (opened Nov. 21, 2023).

2. “COMMUNICATION” means the conveyance (in the form of facts, ideas, thoughts, opinions, data, inquiries or otherwise) of information and INCLUDES correspondence, memoranda, reports, presentations, face-to-face conversations, telephone conversations, text messages, instant messages, voice messages, negotiations, agreements, inquiries, understandings, meetings, letters, notes, mail, email, exchanges of recorded information, and postings of any type. COMMUNICATIONS INCLUDES instances where one party disseminates information that the other party receives but does not respond to.

3. “COMPLAINT” means the operative complaint in the ACTION as of the date these Requests are served.

4. “CONCERN” or “CONCERNING” means to be the subject of, make reference to, comment on, discuss, describe, identify, or contain text or images about the stated topic.

5. “DEFENDANTS,” “OPENAI,” “YOU,” or “YOUR” means OpenAI, Inc., OpenAI GP, LLC, OpenAI, LLC, OpenAI OPCO LLC, OpenAI Global LLC, OAI Corporation, LLC, OpenAI Holdings, LLC and any of their directors, officers, employees, partners, members, representatives, agents (INCLUDING attorneys, accountants, consultants, investment advisors or bankers), and any other person acting or purporting to act on their behalf, as well as corporate parents, subsidiaries, affiliates, predecessor entities, successor entities, divisions, departments, groups, acquired entities, related entities, or any other entity acting or purporting to act on their behalf.

6. “DOCUMENTS” means all materials within the full scope of Federal Rule of Civil Procedure 34 INCLUDING all writings and recordings, INCLUDING the originals, drafts and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise (INCLUDING email and attachments, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, tags, labels, invoices, brochures, periodicals, receipts, returns, summaries, pamphlets, books, interoffice

and intra-office communications, instant messages, chats, offers, notations of any sort of conversations, working papers, applications, permits, file wrappers, indices, telephone calls, meetings or printouts, teletypes, telefax, invoices, worksheets, and all drafts, alterations, modifications, changes and amendments of any of the foregoing), graphic or aural representations of any kind (INCLUDING photographs, charts, microfiche, microfilm, videotape, recordings, motion pictures, plans, drawings, surveys), and electronic, mechanical, magnetic, optical, or electric records or representations of any kind (INCLUDING computer files and programs, tapes, cassettes, discs, and recordings), INCLUDING METADATA.

7. “ELECTRONICALLY STORED INFORMATION” or “ESI” refers to information and DOCUMENTS within the full scope of Federal Rule of Civil Procedure 34 with all METADATA intact—created, manipulated, communicated, stored, and best utilized in digital form, and stored on electronic media. Examples of ESI INCLUDE e-mail, messages posted on electronic message boards, forum postings, support tickets, videos, discussion boards, data, source code, websites, Microsoft Word files, Microsoft Excel files, and instant messages.

8. “INCLUDING” means including but not limited to.

9. “LARGE LANGUAGE MODEL” or “LLM” has the same meaning as the term discussed in YOUR letter to the Register of Copyrights and Director of the U.S. Copyright Office dated October 30, 2023, “Re: Notice of Inquiry and Request for Comment [Docket No. 2023-06]”.

10. “METADATA” refers to structured information about an electronic file that is embedded in the file, describing the characteristics, origins, usage, and validity of the electronic file.

11. “PLAINTIFFS” means the plaintiffs in the ACTION named in the COMPLAINT.

12. “RELATE TO” or “RELATING” means concerning, referring to, describing, evidencing or constituting, in whole or in part.

RELEVANT TIME PERIOD

The relevant time period is January 1, 2015 through the present (“Relevant Time Period”), unless otherwise specifically indicated, and shall INCLUDE all DOCUMENTS and any other information relating to such period, even though prepared or published outside of the Relevant Time Period. If a DOCUMENT prepared before the Relevant Time Period is necessary for a correct or complete understanding of any DOCUMENT covered by any of these Requests, please provide the earlier DOCUMENT as well. If any DOCUMENT is undated and the date of its preparation cannot be determined, please produce the DOCUMENT if it is otherwise responsive to any Request.

INSTRUCTIONS

1. Produce each DOCUMENT requested herein in its entirety and without deletion or excisions, regardless of whether YOU consider the entire document to be relevant or responsive.
2. If any DOCUMENT is known to have existed but no longer exists, has been destroyed, or is otherwise unavailable, identify the DOCUMENT, the reason for its loss, destruction, or unavailability, the name of each person known or reasonably believed by OPENAI to have had possession, custody, or control of the original and any copy thereof (if applicable), and a description of the disposition of each copy of the DOCUMENT.
3. If no DOCUMENTS responsive to a particular Request exist, state that no responsive DOCUMENTS exist.
4. Construe the conjunctions “and” and “or” non-restrictively or nonexclusively if doing so would bring within the scope of these Requests DOCUMENTS that might otherwise be construed to be outside of their scope.
5. Constrain the use of the singular to include the plural; the use of the masculine,

feminine, or neuter gender to include the others; and the use of one form of the verb to include the others if doing so would bring within the scope of these Requests DOCUMENTS that might otherwise be construed to be outside of their scope.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

DOCUMENTS CONCERNING or RELATING TO PLAINTIFFS.

REQUEST FOR PRODUCTION NO. 2:

DOCUMENTS that YOU, as of the date these Requests are served, have already gathered or collected in order to submit them to any legislative or executive agency, committee, or other governmental entity in the United States that CONCERN or RELATE TO the allegations in the COMPLAINT.

REQUEST FOR PRODUCTION NO. 3:

DOCUMENTS that YOU, as of the date these Requests are served, have already gathered or collected in support of the DOCUMENTS referred to in Request No. 2, or on which the DOCUMENTS referred to in Request No. 2 rely.

REQUEST FOR PRODUCTION NO. 4:

DOCUMENTS CONCERNING or RELATING TO the policy YOU referred to as “Copyright Shield” in the November 6, 2023, blog post on YOUR website titled “New models and developer products announced at DevDay”.

REQUEST FOR PRODUCTION NO. 5

DOCUMENTS CONCERNING or RELATING TO the use of YOUR LARGE LANGUAGE MODELS to produce works of nonfiction for commercial purposes.

REQUEST FOR PRODUCTION NO. 6:

DOCUMENTS CONCERNING or RELATING TO the use of commercial works of

nonfiction to train YOUR LARGE LANGUAGE MODELS.

REQUEST FOR PRODUCTION NO. 7:

DOCUMENTS CONCERNING or RELATING TO YOUR policies or procedures CONCERNING or RELATING TO receiving, processing, or responding to complaints regarding YOUR use of purportedly copyrighted material in training YOUR LARGE LANGUAGE MODELS.

REQUEST FOR PRODUCTION NO. 8:

DOCUMENTS CONCERNING or RELATING TO any complaints YOU have received regarding YOUR use of purportedly copyrighted material in training YOUR LARGE LANGUAGE MODELS.

REQUEST FOR PRODUCTION NO. 9:

DOCUMENTS CONCERNING or RELATING TO any responses YOU have made to the complaints described in Request Nos. 7 and 8.

REQUEST FOR PRODUCTION NO. 10:

DOCUMENTS sufficient to explain whether and to what extent or in what form books, in whole or in part, in any form, format, or language, reside in, are stored in, or otherwise exist within YOUR LARGE LANGUAGE MODELS in a manner that is readable or understandable to the LLM.

REQUEST FOR PRODUCTION NO. 11:

DOCUMENTS sufficient to show the state and county where YOUR conduct described in paragraphs 65–83 of the COMPLAINT occurred, INCLUDING the location of YOUR offices where the conduct occurred, the location of YOUR servers and other computer systems involved in the conduct, and the location of YOUR employees who participated in the conduct to the extent

such participation happened outside YOUR offices.

REQUEST FOR PRODUCTION NO. 12:

DOCUMENTS RELATING TO any business, commerce, or other transactions YOU have conducted in the State of New York.

REQUEST FOR PRODUCTION NO. 13:

DOCUMENTS sufficient to identify and describe OPENAI's corporate organizational structure, INCLUDING those sufficient to show OPENAI's board of directors, parent companies, subsidiaries, affiliates, departments, and divisions; and those sufficient to show the function each DEFENDANT plays within YOUR corporate structure as a whole.

REQUEST FOR PRODUCTION NO. 14:

DOCUMENTS sufficient to identify OPENAI's current and former officers, directors, managers, employees and consultants with knowledge of OPENAI's large language models, business practices regarding same, commercial use of its large language models, and the matters described in paragraphs 37–92, and 105–108 of the COMPLAINT.

REQUEST FOR PRODUCTION NO. 15:

DOCUMENTS sufficient to show the roles and responsibilities of and supervisory relationship between OPENAI's current and former officers, directors, managers, employees and consultants with knowledge of the topics in the previous request.

Dated: January 19, 2024

/s/ Justin A. Nelson

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CERTIFICATE OF SERVICE

I hereby certify that on January 19, 2024, a copy of the foregoing was served via electronic mail to all counsel of record in this matter.

/s/ Justin A. Nelson

Justin A. Nelson

SERVICE LIST

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